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pens? Reason does not occupy a very powerful place, and therefore every one is laying his hand to force wherever he can find it. If he is not laying his hand to military force, he is laying it to some other kind of force, usually economic force, or the brute force of the multitude. So it happens that we find ourselves at the end of this war in a situation so complex, so many-sided, so abundant in new as well as in old problems, that it really taxes the limit of human imagination to study the questions that rise before us, to say nothing of taxing human capacity to attempt to answer them all.

THE DEVELOPMENT OF MODERN DIPLOMACY*

I

The Principle of the Balance of Power

By HON. JAMES BROWN SCOTT

HOW WAS the system of States and how was the system of law to be preserved? This has been the great problem since Westphalia. It is still the problem. There are apparently two ways of solving it—one by force, the other by justice. The world has tried the first—the balance of power through force; it is beginning to try the second—the administration of justice through the instrumentalities of justice. This is a generalization, and I am aware of the witty remark of a French professor, that “all generalizations are false, including this one.”

The “Balance of Power” Theory

First, as to the balance of power; for whether we speak of the equilibrium of Europe, or whether we speak of the European concert, we speak in terms of the balance of power, and the principle of the balance of power is inevitable, unless States are organized upon some other method than power. They can only escape from it by some organization upon a different principle. We would have had the theory and practice of the balance of power in this Western world of ours had not the representatives of the States in conference assembled at Philadelphia in 1787 rejected size, rejected power, and formed the Union of States upon principles of justice, with appropriate agencies for its administration. Before the law all men are equal, before the law all States are equal. In the domain of justice there is neither large nor small, powerful nor weak. There are only equals in right, equals in duty, and the rights and duties are not determined by the sword, but weighed in the balance of justice. Will the world ever take America seriously?

If the world consisted of but a single State, there would be no external questions, and there would be no question of the balance of power. If the world were composed of two States, they would have disputes, but they would not dispute as to the balance of power. If

there were three States coming into contact, they might and they would. With every addition to the States, the balance of power would become more pressing and more complex. Alliances would be formed to maintain it, war would be made to re-create it. The principle is apparently as old as the first three States.

Applications of the Theory

What is this principle and how is it applied? Let Hume answer the question. In his “*Essays—Moral, Political, and Literary*,” published in 1752, he speaks of the balance of power, asking “whether the *idea* of the balance of power be owing entirely to modern policy, or whether the *phrase* only has been invented in these later ages?” The answer which he gives, supported by an unfortunate wealth of illustrations, is that the idea was ancient and that the phrase only was modern:

In all the politics of Greece, the anxiety with regard to the balance of power is apparent, and is expressly pointed out to us, even by the ancient historians. Thucydides represents the league, which was formed against Athens, and which produced the Peloponnesian war, as entirely owing to this principle. And after the decline of Athens, when the Thebans and Lacedemonians disputed for sovereignty, we find that the Athenians (as well as many other republics) always threw themselves into the lighter scale and endeavoured to preserve the balance. They supported Thebes against Sparta, till the great victory gained by Epaminondas at Leuctra; after which they immediately went over to the conquered, from generosity, as they pretended, but in reality from their jealousy of the conquerors.

Such was the practice of the Greeks. The principle upon which they relied is stated by Hiero, King of Syracuse, who, although an ally of Rome, sent assistance to the Carthaginians during the war of the auxiliaries:

Esteeming it requisite (says Polybius) both in order to retain his dominions in Sicily and to preserve the Roman friendship, that Carthage should be safe, lest by its fall the remaining power should be able, without contrast or opposition, to execute every purpose and undertaking. And here he acted with great wisdom and prudence. For that is never, on any account, to be overlooked; nor ought such a force ever to be thrown into one hand, as to incapacitate the neighbouring States from defending their rights against it.

Upon this statement of principle Hume himself says, and rightly: “Here is the aim of modern politics pointed out in express terms.” And here are some examples of it in modern politics: In the sixteenth century the House of Hapsburg, as King of Spain, with its vast dominions, and as Holy Roman Emperor, lay heavy upon the world and threatened to crush it. Francis I of France, drawing upon the Eastern world, as Canning undoubtedly would have put it, to redress the balance of the old, meaning Europe, concluded a treaty with Turkey to make headway against the House of Hapsburg. It was checked, but it was not humbled. It was still a menace.

The partition of the empire which took place upon the abdication of Charles V of Germany, of Charles I, as he also was of Spain, simplified the problem. A branch of the House of Hapsburg, however, had the empire, which

* Extracts from the first of two addresses given before the School of Foreign Service, Georgetown University, December 3 and 17, 1920. These two addresses will be published entire in a pamphlet by the American Peace Society, April 1.—THE EDITORS.

had become hereditary in the family; a branch of the House of Hapsburg had the Spanish dominations. The Treaty of the Pyrenees of 1659, between Spain and France, left Spain indeed a factor, as the Treaty of Westphalia had left Austria and the Empire a factor, but not a menace, as of other days. A new sun had arisen, and so conscious of its power that the monarch of this new menace called himself *Le roi soleil*. Louis XIV of France, for the reference is to him, sought to wield the scepter which during the centuries has fallen from the grasp of world conquerors. He sought to overrun and to annex the Spanish provinces now forming the kingdom of Belgium. He sought to annex Alsace, in which he succeeded, and to extend his domains to the Rhine, in which he failed in large part. Wherever he turned, a coalition to preserve the balance of power faced him and eventually broke his haughty spirit. Had he thought less of his family and more of France, he could have rounded out his domains with the consent of the powers of that day, without disturbing what they would have considered, under the circumstances, the balance of power. He married Maria Theresa, daughter of the otherwise childless King of Spain, and renounced the throne of Spain for their offspring on condition that the dowry should be paid. It never was.

The situation was simple. The Spanish monarch did not want the dismemberment of Spain. Louis XIV wanted Spain for a descendant and was more than willing to accept for himself certain portions of the inheritance. Europe was as unwilling to have the Crown of France and Spain united as it had been to have the Crown of Austria and Spain united on the same head. To prevent this a treaty of partition, proposed by Louis XIV, was signed at The Hague in 1698, between France and the then maritime powers, England and Holland, by which, to quote Mr. Wheaton, "Spain, the Indies, Belgium, and Sardinia were assigned to the Electoral Prince of Bavaria; the Kingdom of Naples and Sicily, the Spanish places and islands upon the coasts of Tuscany, the marquisate of Final, and the province of Guipúzcoa to the Dauphin of France, and the Milanese to the Archduke Charles."

The King of Spain, Charles II, resented this attempt to dispose of his dominions while he was still living, and made a will by which he appointed the Electoral Prince of Bavaria his universal heir, hoping to preserve the integrity of the Spanish monarchy at the expense of the German branch of his own house. However, the Prince of Bavaria died, upsetting the plans alike of France, England, and Holland, on the one hand, and Charles II of Spain on the other. Therefore a second treaty of partition between the same parties was concluded in 1700, by which the Archduke Charles was substituted for the Prince of Bavaria, who had previously died, in the inheritance of Spain, the Indies, Belgium, and Sardinia. The Dauphin of France received the spoils under the first treaty, to which were added for good, or rather for better, measure the duchies of Lorraine and Bar. But Charles II of Spain was again dissatisfied and for the same reasons. He therefore made a second will, this time in favor of the Duke d'Anjou, grandson of Louis XIV and grandson of his own daughter, Maria Theresa.

Charles II had no male heirs; hence the treaties of the European powers; hence his own testaments.

But again the unexpected happened. The Holy Roman Emperor Joseph I died without male heirs, and his brother, the Archduke Charles, succeeded him. If the second treaty of partition should stand, the German branch of the House of Hapsburg would unite Austria, the Empire, and the Spanish dominions under his scepter. The result of it all was a change of front, the partitioners accepting as the lesser of the two evils the grandson as the King of Spain, with, however, the express provision that the Crown of Spain should never be united to that of France. Louis XIV had been so worsted in the war that he was glad in his old age to accept and to retain the Kingdom of France, somewhat enlarged, indeed, by his previous conquests, but shorn of the conquests which he had hoped to make. The Spain of the grandson likewise suffered. Belgium, Milan, and Naples were severed from the Spanish monarch and settled upon the House of Austria.

"The peace of Utrecht," Mr. Wheaton says, "was for France what that of Münster had been for the House of Austria." It was unfortunate for France, perhaps it was unfortunate for the world, that Louis XIV accepted the throne of Spain for his grandson, instead of contenting himself with the spoils of partition which the powers of the day were willing to accord him. The French historian, Mignet, with whom impartiality was a religion, with accuracy as a necessary consequence, has shown, in the introduction to his edition of the "Documents Relating to the Spanish Succession," that Louis XIV not only violated the faith of treaties in accepting the Crown of Spain for his grandson, but that he departed from all sound rules of policy. "Louis XIV had," to quote Mignet, "to choose between a crown for his grandson or an aggrandizement of his domains maintained by Europe; between the expansion of his system in the Pyrenees and the Alps by the establishment of a branch of his house in Spain and in Italy and an expansion of his own proper power; between the honor of the royalty and the advantage of his kingdom; between his family and France."

Just as the Treaty of Westphalia was renewed and confirmed in every treaty of peace between the central States of Europe until the French Revolution, so the Treaties of Utrecht were renewed and confirmed in every successive treaty of peace between the great continental and maritime powers until the Peace of Luneville, in 1800. It was omitted for the first time in the Peace of Amiens, concluded in 1803, when a new and a greater sun had arisen upon the political firmament.

Arguments for the Theory

Such is the practice of Europe. What was the theory by which it was justified? Let one of the greatest masters of international law answer the question, just as an appeal has been made to Hume, one of the greatest of philosophers.

In his "Law of Nations," published in 1758, Vattel* has this to say:

It is asked whether the aggrandizement of a neighboring

* Book III, chapter III, sections 42 et seq. Translation by Charles G. Fenwick, Washington, D. C., 1916, pp. 248-251.

State, in consequence of which a nation fears that it will one day be oppressed, is a sufficient ground for making war upon it; whether a nation can with justice take up arms to resist the growing power of that State, or to weaken the State, with the sole object of protecting itself from the dangers with which weak States are almost always threatened from an overpowerful one.

This just man felt that the question presented difficulties of a perplexing nature to "those who seek at all times to unite justice with prudence," but that it presented "no difficulties to the majority of statesmen." His answer to the question "Whether war may be maintained for this purpose" is that

Since war is only permissible in order to redress an injury received, or to protect ourselves from an injury with which we are threatened, it is a sacred rule of the law of nations that the aggrandizement of a State cannot alone and of itself give any one the right to take up arms to resist it.

But he did not stop with this statement. He went further, saying:

As soon as a State has given evidence of injustice, greed, pride, ambition, or a desire of domineering over its neighbors, it becomes an object of suspicion which they must guard against.

He next puts the pertinent question, which is indeed the crux of the matter: "Are we to delay averting our destruction until it has become inevitable?" And in this connection he refers to a familiar illustration:

Had Charles II, King of Spain, instead of settling the succession upon the Duke of Anjou, appointed Louis XIV himself as heir, had he thus tamely suffered the union of the House of Spain to that of France, it would have meant, according to all the rules of human foresight, nothing less than delivering all Europe into servitude, or at least putting it in a most precarious condition.

He next asks:

If an unknown man takes aim at me in the middle of a forest, I am not yet certain that he wishes to kill me; must I allow him time to fire, in order to be sure of his intent? Is there any reasonable casuist who would deny me the right to forestall the act? But presumption becomes almost equal to certitude if the prince who is about to acquire enormous power has already given evidence of an unbridled pride and ambition. In the imaginary case mentioned above, who would have dared counsel the European States to allow Louis XIV to make such a formidable addition to his power?

Vattel now speaks as a man "who seeks at all times to unite justice with prudence" and resolves the doubts which he has raised in the series of questions which he has put; he supposes that the powerful State is both just and prudent in its conduct, and he asks if, under such circumstances, we should idly look upon its rapid increase of power and lay ourselves open to the designs which it may seek to realize.

The example of the Romans is a good lesson for all sovereigns. If the most powerful States of that day had united together to watch over the movements of Rome, to set limits to her progress, they would not have successively become subject to her.

However, Vattel, as a lover of justice and prudence, did not advocate force in the first instance: "There are gentler means, which are always lawful. The most efficacious of these is an alliance of other less powerful sovereigns, who, by uniting their forces, are enabled to counterbalance the sovereign who excites their alarm." This could be accepted by all the States of his day:

Europe forms a political system in which the nations inhabiting this part of the world are bound together by their relations and various interests into a single body. . . . The constant attention of sovereigns to all that goes on, the custom of resident ministers, the continual negotiations that take place, make of modern Europe a sort of republic, whose members—each independent, but all bound together by a common interest—unite for the maintenance of order and the preservation of liberty.

"This," he adds, "is what has given rise to the well-known principle of the balance of power, by which is meant an arrangement of affairs so that no State shall be in a position to have absolute mastery and dominate over the others."

To maintain the balance, "no State should be much superior to the others," and "all the States, or at least the larger part, should be about equal in strength." How can the balance be preserved? As it was impossible, he recognized, to trim the States so that they would be approximately equal, nations would have to rely upon alliances—the method of Europe, he said, "at the present day," or a method soon to be tried, and now again on trial. "Confederations would," in his opinion, "be a sure means of preserving the balance of power, and thus maintaining the liberty of nations, if all sovereigns were constantly aware of their true interests and if they regulated their policy according to the welfare of the State."

This may be said to be the language of the theorist, although Vattel was a diplomat by profession, speaking from experience and with a knowledge of practice. However, Count Kaunitz, Chancellor of Austria, was certainly a man of affairs, and in his circular note of July 17, 1791, he advocated that the powers make common cause against the French Revolution for the purpose of preserving "public peace, the tranquillity of States, the inviolability of possessions, and the faith of treaties."

It is immaterial to present purposes whether the wars of the French Revolution were provoked by Europe or were declared by France. The victory of French arms brought with it an aggressive policy. The generous ideas of the first days spent themselves. Bonaparte mastered the revolution, and he set about to master Europe. He succeeded for the time, but he ultimately went the way of the world conqueror. Coalition after coalition was formed to prevent the aggrandizement of France, and in the end they were successful. The victors met at Vienna in the course of 1814 and 1815, just a century after the Congress of Utrecht and almost a hundred years before the Conference at Paris. Austria, Great Britain, Prussia, and Russia set about the reconstruction of Europe. The victim was at first excluded from their councils, but the skill of Talleyrand opened the door of the council chamber to France. These five powers proceeded to redress the balance, and Alexander of Russia, in language

which sounds strangely familiar to us of the present, argued that the outcome of the war was to be not only the liberation of France, but the universal triumph of "the sacred rights of humanity." "To attain this it would be necessary, 'after having attached the nations to their government by making these incapable of acting save in the greatest interests of their subjects, to fix the relations of the States amongst each other on more precise rules, and such as it is to their interest to respect.'"

A general treaty was to form a basis of the relations of the States composing the "European Confederation," and although "it was no question of realizing the dream of universal peace, it would attain some of its results if, at the conclusion of the general war, it were possible to establish on clear principles the prescriptions of the rights of nations."

And in both the form of question and answer, which sounds but of yesterday, the Autocrat of all the Russians continued: "Why could not one submit to it the positive rights of nations . . . insert the obligation of never beginning war until all the resources which the mediation of a third party could offer have been exhausted, having by this means brought to light the respective grievances and tried to remove them? It is on such principles as these that one could proceed to a general pacification and give birth to a league of which the stipulations would form, so to speak, a new code of the law of nations, which, sanctioned by the greater part of the nations of Europe, would without difficulty become the immutable rule of the cabinets, while those who should try to infringe it would risk bringing upon themselves the forces of the new union."

Such is the origin of the Holy Alliance, drafted by Alexander I of Russia, approved in first instance by the Emperor of Austria, the King of Prussia; proclaimed on September 26, 1815, at a great review of the allied troops on the Champ des Vertus, near Paris. To the treaty or declaration of the Holy Alliance the name of every European sovereign, with the exception of the Pope, the Ottoman Empire, and Great Britain, are subsequently appended.

Mr. W. A. Phillips, a leading authority on this subject, and whose masterly work on the "Confederation of Europe," issued in the first month of 1914, was at the disposal of statesmen of that day, says:

In popular parlance, which has found its way into the language of serious historians, the "Holy Alliance" soon became synonymous with the combination of the great powers by whom Europe was ruled in concert during the period of the congresses, and associated with the policy of reaction which gradually dominated their counsels. For the understanding of the inner history of the diplomacy of this period, however, a clear distinction must be drawn between the Holy Alliance and the Grand, or Quadruple (Quintuple), Alliance. The Grand Alliance was established on definite treaties concluded for definite purposes, of which the chief was the preservation of peace on the basis of the territorial settlement of 1815. The Holy Alliance was a general treaty—hardly indeed a treaty at all—which bound its signatories to act on certain vague principles for no well-defined end; and in its essence it was so far from necessarily reactionary

that the emperor Alexander at one time declared that it involved the grant of liberal constitutions by princes to their subjects. Its main significance was due to the persistent efforts of the Tsar to make it the basis of the "universal union," or general confederation of Europe, which he wished to substitute for the actual committee of the great powers, efforts which were frustrated by the vigorous diplomacy of Castlereagh, acting as the mouthpiece of the British Government.

The Issue of the Hour

We have just emerged from a great war, in which the most powerful of European States—certainly, from the military point of view, the most powerful State of the world—deliberately attempted to impose its domination, its culture, its conception of liberty, upon the rest of the world. This war had been foreseen. To the Triple Alliance, which included Germany; its satellite, Austria-Hungary, and its questionable ally, Italy, three other powers—France, Great Britain, and Russia—opposed the Triple Entente. The assassination of the heir apparent to the throne of Austria-Hungary and his morganatic wife by a subject of that monarchy, although of Serbian race, led Austria-Hungary to incriminate Serbia, and, alleging a lack of compliance with an ultimatum demanding an acceptance within forty-eight hours, Austria-Hungary declared war against Serbia on July 28, 1914, although that little country offered to submit the outstanding dispute to arbitration.

Russia espoused the cause of its Slav neighbor; Germany appeared in shining armor at the side of its ally, and declared war against Russia on the 1st of August. On the 3d of August Germany declared war against France without any aggressive action on the part of that country, invaded Luxemburg and Belgium, whose neutrality it had promised to preserve, because of which Great Britain declared war against Germany of the 4th of August, and little by little the world was at war.

The German army, rushing through Luxemburg, rushing through Belgium, in its effort to strike at the very throat of France, unprepared for an attack through these neutral countries, was checked at the Marne, on the ever-memorable sixth day of September, 1914:

Who knows (said Duruy, writing in 1873, when his devoted country lay prostrate at the feet of Bismarck), who knows but that the broken sword, left in our hands after a sudden misfortune, may not one day be required to defend universal liberty against brutal ambitions?

And "France has at least," he added, "the right to remember that she succeeded three times in arresting or breaking a menacing power, that of Charles V, of Philip II, and of Ferdinand of Austria."

An armistice was accorded Germany, at her own request, on November 11, 1918, and the world is slowly emerging from the shadow of German domination.

The power of Prussia had indeed been broken. How is the balance of power to be restored and maintained? The conference at Paris proposed a League of Nations, which at present seems to be a military and economic alliance of the four great powers. Will it succeed? Posterity can alone tell.